P. R. No. ..... Presented by Shri ..... dated .....

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 437 / 2001

Petitioner : Krishna Kumar Dhruv S/o Asadu Ram Dhruv aged about 38 years R/o Keshkal Dist : Bastar.

Versus

Respondents :

1. State of Chhattisgarh through the Secretary ' Khanij Sadhan Vibhag' secretariat old- D.K.Hospital building Raipur (C.G.)
2. Madhya Pradesh State Mining Corporation Ltd., through its Managing Director Paryawas Bhawan Block No.1 2nd floor (A), Jail Road, Arera Hills, Bhopal.
3. The Commissioner Bastar Division Jagdalpur, Bastar.
4. The Collector Kanker,Dist:Kanker-(C.G.)
5. M/s Parekh Enterprises Keshkal through its proprietor Sattar Parekh R/o Keshkal, Bastar.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, C.J. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.437 OF 2001

PETITIONER Krishna Kumar Dhruv

Versus

RESPONDENTS State of Chhattisgarh & others.

Present : Shri P. Diwakar, Sr. Adv. with Shri P.R. Patankar, counsel for the petitioner.

Shri Sumesh Bajaj, G.A. for the State.

ORAL ORDER
(Passed on 01st March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, C.J.**

The petitioner in this petition filed under Articles 226 & 227 of the Constitution of India seeks the following reliefs. They are as under:

> "1. That the order dtd.3.3.2001 passed by the respondent no.4 (Annexure A-9) be set aside / quashed.
>
> 2. The respondent No.1 be directed to hold a detailed enquiry in respect of the allotment of lease in favour of the respondent no. 5 by the respondent no.2.

3. That the respondents 1 to 4 be directed not to give any lease in favour of respondent no.5 for doing any mining work in the state of Chhattisgarh and he be declared as black listed.

4. That the respondents 1 to 4 be directed not to give any lease in favour of respondent no.5 for doing nay mining work in the state of Chhattisgarh and be he declared as black listed.

5. Any other relief may also be granted to the petitioner which this Hon'ble court fells fit in the circumstance of the case.

(2) At the time of hearing, Shri Diwakar, learned Sr. Counsel very fairly would submit that the petitioner as well as the second respondent – M.P. State Mining Corporation Limited have filed appeals before the First Appellate Authority and those appeals, according to the learned counsel, are still pending for consideration and therefore, requested us to direct the First Appellate Authority to dispose of the appeals on merits and further to continue the interim order granted by this Court for a particular period.

(3) Request of the learned counsel, in our view, is very fair and reasonable and therefore, the same requires to be granted. Accordingly, the following:

(i) the petition is disposed of and the petitioner is permitted to make appropriate early hearing application and also an application for grant of interim order before

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the First Appellate Authority before whom the appeal said to have been filed by the petitioner is pending for consideration;

(ii) if and when such applications are filed, the First Appellate Authority before whom the appeal filed by the petitioner is pending would consider the same in accordance with law;

(iii) the petitioner is granted a moth's time to file the aforesaid applications. Till such applications are filed, the interim order granted by this Court will enure for the benefit of the petitioner;

(iv) all the contentions of both the parties are left open.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge